

**CIVIL NO. 2:05CV216**

**Defendant.**

On June 12, 2006, the Magistrate Judge filed a Memorandum and Recommendation in this case containing proposed findings of fact and

conclusions of law in support of a recommendation regarding Defendant's motion to dismiss. The parties were advised that any objections to the Magistrate Judge's findings were to be filed in writing within 14 days of service of the Recommendation; the period within which to file objections expired on June 29, 2006. No written objections to the Memorandum and Recommendation have been filed.

After a careful review of the Magistrate Judge's Recommendation, the Court finds that the proposed findings of fact are supported by the record and that the proposed conclusions of law are consistent with current case law. Accordingly, the Court hereby accepts the Magistrate Judge's Recommendation that the Defendant's motion be denied.

**IT IS, THEREFORE, ORDERED** that the Defendant's motion to dismiss is hereby **DENIED**.

Signed: June 30, 2006



Lacy H. Thornburg  
United States District Judge

